

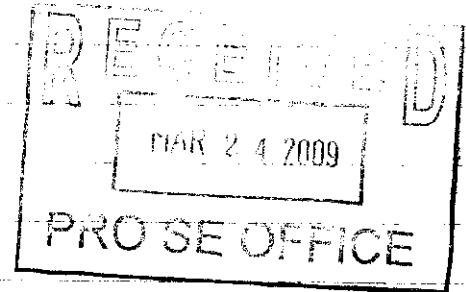
ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

09 1283

SHELDON W. ALLEN,  
PLAINTIFF,

V.



CAMERON LINDSAY - WARDEN;  
MEDICAL DEPARTMENT, MDC BROOKLYN;  
BUREAU OF PRISONS; ET AL,  
DEFENDANT(S).

**MATSUMOTO, J.**

AFFIDAVIT IN SUPPORT OF  
HABEAS CORPUS PETITION  
PURSUANT TO 28 USC § 2241

I, SHELDON W. ALLEN, PLAINTIFF, PRO SE FOR  
THE PURPOSE OF THE INSTANT AFFIDAVIT IN  
SUPPORT OF HABEAS CORPUS PETITION PURSUANT  
TO 28 USC § 2241, BEING DULY DEPOSED, STATE  
THE FOLLOWING:

1. THAT, ON NOVEMBER 18, 2003, FOLLOWING A  
CONVECTION OF VIOLATION OF 21 USC § 846,  
AS IT RELATES TO 21 USC § 841 (A)(1) AND § 841  
(B)(1)(A), IN THE UNITED STATES DISTRICT

COURT, FOR THE WESTERN DISTRICT OF NEW YORK, I WAS SENTENCED TO SERVE A TERM OF IMPRISONMENT TO BE ADMINISTERED BY THE FEDERAL BUREAU OF PRISONS.

2. THAT, ON OR ABOUT DECEMBER 1, 2005, WHILE HOUSED AT FEDERAL CORRECTIONAL INSTITUTION LORETTA, LORETTA, PENNSYLVANIA, I WAS DIAGNOSED AS HAVING SUFFERED FROM A HERNIA WHICH WAS PROTRUDING AT THE UPPER LEFT PORTION OF MY GROIN. NO TREATMENT WAS OFFERED OR SCHEDULED DESPITE SEVERAL RAISED CONCERNS.
3. THAT, ON OR ABOUT JULY 1, 2006, AND PERIODICALLY UNTIL NOVEMBER 1, 2008, WHILE HOUSED AT FEDERAL CORRECTIONAL INSTITUTION FORT DIX / SATELLITE CAMP, FORT DIX, NEW JERSEY, I AGAIN RAISED CONCERNS ABOUT THE PROTRUSION WHICH, AT THAT TIME, BEGAN TO CAUSE ME CONSIDERABLE PAIN AND DISCOMFORT. AGAIN, NO TREATMENT WAS OFFERED OR SCHEDULED.

4. THAT, ON OR ABOUT DECEMBER 1, 2008, WHILE HOUSED AT MY CURRENT INSTITUTION, METROPOLITAN DETENTION CENTER (MDC BROOKLYN), BROOKLYN, NEW YORK, I AGAIN RAISED CONCERNS ABOUT THE PROTRUSION AS IT HAD GROWN IN DIAMETER, SPREADING TOWARD THE MEDIAN OF MY ABDOMINAL, CAUSING ME EXTREME PAIN AND DISCOMFORT WHEN STANDING FOR LONG PERIODS. INITIALLY, AS IN EACH OF THE PREVIOUS ATTEMPTS AT TREATMENT, I WAS DISCOURAGED CITING THAT BUDGETARY CONSTRAINTS PREVENTED ADEQUATE TREATMENT, HOWEVER, I WAS LATER GIVEN AN ELASTIC DEVICE TO HOLD THE PROTRUSION LEVEL.

5. THAT, ON OR ABOUT FEBRUARY 20, 2009, IN AN ATTEMPT TO SATISFY "ADMINISTRATIVE REMEDY PROCESS" REQUIREMENTS — AS WELL AS TO NOTIFY STAFF OF MY INTENTION TO PROCEED AS IS HEREIN — I AGAIN RAISED CONCERNS WITH CORRECTIONAL COUNSELOR MARTINEZ, WHO IMMEDIATELY E-MAILED THE MEDICAL DEPARTMENT IN HOPES OF RESOLUTION.

6. THAT, ON FEBRUARY 23, 2009, IN AN ATTEMPT AT EMPHASIS ON THE MATTER, I FOLLOWED-UP CORRECTIONAL COUNSELOR MARTINEZ'S EFFORT BY SUBMITTING, YET, ANOTHER REQUEST FORM FOR TREATMENT, AS WELL AS A REQUEST FOR COPIES OF MY MOST RECENT TESTING RESULTS. TO DATE, NEITHER CORRECTIONAL COUNSELOR MARTINEZ OR I HAVE RECEIVED A RESPONSE, NOR HAVE I RECEIVED TREATMENT DESPITE BEING FORCED TO PERFORM A WORK ASSIGNMENT WHICH NECESSITATES STANDING FOR A PROLONGED PERIOD.

7. THAT, GIVEN THE CONSIDERABLE TIME-LENGTH IN THE BUREAU OF PRISONS AND ITS VARIOUS MEDICAL DEPARTMENTS HAVE HAD TO ADDRESS PLAINTIFF'S CONCERNS, AS WELL AS PLAINTIFF'S ATTEMPTS AT RESOLUTION, THIS PETITION MEETS, IF NOT EXCEEDS, THE EXCEPTION TO EXHAUSTION OF ADMINISTRATIVE REMEDY REQUIRED BY STATUTE, AND IS SUBJECT TO AUTHORITY AND REVIEW BY THIS HONORABLE COURT.

WHEREFORE, FOR THE FOREGOING  
REASONS, I, SHELDON W. ALLEN, PLAINTIFF,  
DO HEREBY PRAY THAT THIS HONORABLE COURT  
WILL MOVE TO GRANT THE RELIEF HEREIN  
SOUGHT, AND/OR WHATEVER OTHER SUCH RE-  
LIEF AS IT DEEMS JUST AND APPROPRIATE.

RESPECTFULLY SUBMITTED,

(SHELDON W. ALLEN)  
WITHOUT PREJUDICE.

SHELDON W. ALLEN, PLAINTIFF.

ORIGINAL

CERTIFICATE OF SERVICE

I, SHELDON W. ALLEN, PLAINTIFF, PRO SE  
FOR THE PURPOSE OF THE INSTANT HABEAS  
CORPUS PETITION PURSUANT TO 28 USC § 2241,  
AS WELL AS THE AFFIDAVIT IN SUPPORT OF  
HABEAS CORPUS PETITION PURSUANT TO 28  
USC § 2241, DO HEREBY CERTIFY AND STATE  
THAT, ON MARCH 22, 2009, I HAVE HAD  
RECORDED IN THE OFFICER'S LOG, MAILING  
OF THE ABOVE - TITLED DOCUMENTS, BOTH OF  
WHICH WERE PLACED IN THE OFFICER'S  
"LEGAL MAIL" BOX, TO BE DELIVERED VIA  
U.S. MAIL TO:

CLERK OF THE COURT  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
225 CADMAN PLAZA EAST  
BROOKLYN, NY 11201

(SHELDON W. ALLEN)  
WITHOUT PREJUDICE.

3-22-09

SHELDON W. ALLEN, PLAINTIFF

10456-055

METROPOLITAN DETENTION CENTER

P.O. Box 329002

BROOKLYN, NY 11232